

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

December 5, 2006

4:00 PM

Chairman O'Neil called the meeting to order.

The Clerk called the roll.

Present: Aldermen O'Neil, Lopez, Smith, Forest,

Absent: Alderman DeVries

Messrs.: Deputy Police Chief Simmons, Deputy Fire Chief Albin,
L. LaFreniere, Atty. Manchester, T. Tousley

Discussion relative to Business License applications as follows:

b) Electra Nightclub, 34 Fir Street

Deputy Clerk Normand stated it is my understanding that the Electra Nightclub at 34 Fir Street was possibly evicted from that location. We made a call on Thursday when the agenda went out and have not heard back from the owner, Dana Clay, and I don't see him in the audience tonight so my assumption is that they are not going to be here.

Chairman O'Neil stated two items that we kept the hearing open for...number one there was a gentleman, Mr. Clay, who on a regular basis through our conversation quoted Deputy Simmons who was not present that evening because that was the night Officer Briggs had been shot. Deputy, is there anything you want to correct that he may have stated that day for the record? I believe it had to do with details.

Gary Simmons, Deputy Police Chief, stated it is my understanding that he made a presentation relative to details and that I wouldn't require Club Electra no matter what their capacity or until they reached their full capacity, which I believe was 800, to have one. Just for the record, that is not correct. We have worked with Club Electra since they opened and adjusted their details accordingly based on the number of calls for service they had as well as their attendance record. Because their attendance record and calls for service were so low we did at one point stop those details, however, if the attendance record had increased by any amount which would have required us to provide calls for service, he would have had a detail there long before an 800 count was reached.

Chairman O'Neil asked am I correct to say there was no alcohol.

Deputy Chief Simmons answered that is correct. That remained an under 21 club during that time and I don't recall us having one call for service there.

Chairman O'Neil stated one more item is we asked all of the parties involved to present us with something on the parking. If you recall there was some difference of opinion and I don't believe the Committee or Alderman Long received anything. Matt, did you get any communications from any of the parties?

Deputy Clerk Normand replied no. I did speak briefly with Seth Wall from the Mass School of Pharmaceuticals and indicated to him that he was going to have to get a parking plan in order with Mr. Clay. It was at that time that he brought up the issue regarding the potential eviction of Dana Clay and Club Electra. There was no follow-through after that. They did not provide us with anything regarding parking.

Chairman O'Neil stated in the future if we are asked to look at these situations I think we need to attempt to get that information from people. If they are going to ask us to review it, we need to be provided with all of the information. I am a little disappointed that we were not provided that information. With that, Matt, what would be the appropriate motion for the Electra Nightclub.

Deputy Clerk Normand responded we don't really need to take a motion on this. This was just more of a discussion. Depending on what you do at the end, you can just receive and file or make recommendations for Item a.

Chairman O'Neil asked do you want us to do anything specifically with 34 Fir Street at this time.

Deputy Clerk Normand answered no.

Chairman O'Neil addressed Item a:

a) Penuche's Ale House, 96 Hanover Street

Deputy Clerk Normand stated the applicant, Todd Tousley, has an application provided in your agenda from September 29. During the course of the application review process, the Police Department expressed some discomfort with the level of violations that this establishment or this owner had in other communities. That letter is provided in your agenda as well. Also, it is my understanding that some building renovations were made prior to getting a building permit and in doing

so...eventually he ended up getting the building permit but in the course of those renovations he expanded capacity over 99 people, which requires now that the building have sprinklers. Deputy Fire Chief Albin is here and he can probably add more to that. Once that capacity was expanded, he lost his permit of assembly issued by the Fire Department. There are several issues right now at 96 Hanover Street that need to be clarified.

Deputy Chief Simmons stated just briefly I sent a letter to the Committee on November 6 relative to this application, Penuche's Ale House at 96 Hanover Street. 96 Hanover Street was previously the residence of The Stage Door Café. In the application process it came to our department for sign-off. We try to review those as thoroughly as possible and it came to our attention that Mr. Tousley operates similar ale houses in Keene, Concord and Nashua. As a result, we had received some information that those had had some violations. I contacted the State Liquor Commission at that time and they provided me with the violation notices of all three establishments and I believe those are in your packet as well. It certainly raised some concerns in our eyes or the eyes of the department based on the number of violations each had. One of them, the one in Keene, showed from the time the operation began that it had approximately 22 violations including a recent one in 2006 where there was a lack of food service provided. His establishment in Concord showed five violations. The last entry at that time was 2005. There was an indication there that the entertainers had been served or were consuming alcohol. His establishment in Nashua showed approximately 17 violations with the last one in 2006, which was for serving after hours. I did contact all three local police departments relative to the establishments in their towns. They each described the establishments as a beer joint for lack of a better term and indicated that there were no remarkable calls for service to any of those establishments, however, when they were sent it was usually the result of nuisances like urination when people were leaving the establishment and disorderly conduct and fights at closing. It certainly raised some concerns for me and for the department especially given the location where Mr. Tousley wants to operate his business, which is in what is commonly referred to by the community here as the theatre district. I have concerns in the fact that he has had violations in all three of his establishments. I am concerned about his ability to properly operate a place, especially in that area. In fairness and in defense of Mr. Tousley he did call and ask to come in and speak to us about this. We met in my office. Although he indicated that he wants to operate a full service restaurant as opposed to the current establishments he has in those other towns, he was rather limited as to what his plan was as far as the restaurant. We asked him what he had planned on doing after hours, after the restaurant calms down at 8:30 PM or 9 PM and he was kind of limited as to what he planned to provide for entertainment. We had some concerns there. He did indicate that he didn't want to cater to the college kids. He did mention that he was going to possibly have bands and/or dancing but

there really was no formulated plan. We had some concerns about that and considered what to do with it and suggested that it come before this Committee.

Chairman O'Neil asked do you happen to know in any of the other three communities where he operates restaurants if they are required to hire details.

Deputy Chief Simmons answered I do not know that. I don't believe so though.

Chairman O'Neil asked why don't we have Deputy Fire Chief Albin come up to talk about the issue of the permit of assembly and what else has gone on at this location.

David Albin, Deputy Fire Chief, stated back in September when the business was changing hands, Tom and Sharon came into the office and asked us some questions about how they were going to transact the sale and would there be any stipulations or anything else that would be put on the new business. Everybody is cognizant of the new state rules regarding automatic sprinkler systems in bars and nightclubs having an aggregate capacity of greater than 100 people. I told Tom and Sharon at that time that provided they didn't change anything in the bar and did not change the aggregate capacity of the bar to greater than 99 people we wouldn't impose any type of sanctions on them regarding making them bring the building up to modern code. They indicated to us that the new people were going to do this as a turnkey operation and they wanted to get into business relatively quickly so we went in and did a final inspection on them. We made sure that all of the life safety systems in the building were up to snuff and they were. The new owners came in and we issued a place of assembly permit to them that mirrored the one that Tom and Sharon had in the building, which was 95 people on the inside and I believe we allowed them to have 24 people at tables on the outside. We don't count the amount of outside seating against their interior capacity and that is why they were never required to have a sprinkler system in the first place. Every Monday one of the inspectors from the Fire Prevention Bureau goes down to the Building Department and has a sit down with the Plans Examiner, Karl Frank. We have been doing this now for two or three years and we basically do this to try to streamline the building process. We don't want to have opposing codes or sometimes there are differences in the codes so we try to hammer out things ahead of time. When we went down and took a look at the new floor plan that was submitted to the Building Department for this it was discovered that a wall was removed and the bar was modified and a dance floor was put in. Things were changed. When that happened, I asked the inspector to go through and recalculate the amount of floor space that was available for patrons. Anytime you do something...when you calculate the capacity of a place of assembly basically what you are doing is taking the gross square footage and then you are subtracting out all of the fixtures that are in there – the bars, the service areas, the closets and

things along that line. Predicated upon the changes that were made, the inspector determined that the new capacity for the inside of the building would be 140 people. Predicated on that we suspended the place of assembly permit that was issued originally. Inspector Mitchell Cady sent you a letter explaining why we did what we did.

Alderman Lopez asked he had a permit for 99 people correct.

Deputy Chief Albin answered originally he had a permit for 95 people.

Alderman Lopez asked so if you give me a permit for 99 people and just because I move a wall and I can get 102 people in there you automatically pull the permit.

Deputy Chief Albin answered generally yes. First of all, the permit was issued predicated on the fact that the space would hold 95 people. If you go in and do modifications to the building and increase the amount of people that can be put in there effectively increasing the square footage, we would revoke the permit.

Alderman Lopez asked is that automatic no matter who it is.

Deputy Chief Albin answered yes.

Alderman Forest asked the sprinkler system, when did that go into effect. When they had the permit for 95 people they didn't need it and now that their capacity increased to 140 that is when the ordinance or state law kicked in?

Deputy Chief Albin replied for all intents and purposes, the new law was promulgated after the Station Nightclub fire in 2003 in West Warwick, RI. It was written into what is called NFPA 101, which is a life safety code. It became a component part of that. The life safety code is a material part of the state fire code. To answer your question, the change was done probably in April or May of 2003.

Alderman Lopez asked does the Building Department notify you when walls are being torn down in places like this or do you just find out by inspections.

Deputy Chief Albin answered in this instance it was discovered when we went down and met with the Plans Examiner to look at the different plans. The Building Department gets lots of applications to do modifications to buildings in the City. In many instances they don't have to notify us because it is handled in-house by them but any major project or anything else that comes up or anything that might be controversial when we go down on Monday morning they bring it

up. We don't get involved with you putting a new roof on your house but if you are going to do something like this we would.

Chairman O'Neil asked do you happen to know...Mr. Tousley is not the owner of the building correct.

Deputy Chief Albin answered that is correct.

Chairman O'Neil asked do you happen to know who owns the building.

Deputy Chief Albin answered according to our records the owner of this space is John O'Keefe.

Alderman Smith stated for a point of information I understand that somebody else owns that building – an attorney. I could be wrong but that is what I heard.

Deputy Chief Albin responded I don't know. All I know is what I have on the data sheet in front of me.

Alderman Smith stated I would advise you to check on that Mr. Chairman because I have good information that an attorney owns that property.

Chairman O'Neil called Leon LaFreniere forward.

Alderman Forest stated I am under the impression and again I will ask you and Mr. Tousley when he testifies but I am under the impression that the work that was done at Penuche's Ale House was done prior to getting a building permit. There were some walls that were knocked out and everything else in order to increase the capacity and that was done without a permit. Is that correct?

Leon LaFreniere, Building Commissioner, stated the work had been started without a permit. I sent my inspector out there when I became aware that there was work being done without a permit. We issued a verbal cease and desist order until they reconciled the permit requirements and came in to pull a permit.

Alderman Forest asked they did pull a permit after though.

Mr. LaFreniere answered that is correct.

Chairman O'Neil asked just for clarification after they pulled a permit was when the Fire Inspector through their review process at your office picked up that there was a change. Is that correct?

Mr. LaFreniere answered it as after the application for permit was made or before the permit was actually issued as I understand it. Our process, in order to avoid situations where permits are issued in conflict with the fire code as indicated by Deputy Chief Albin, we go over these applications with the representative from the Fire Prevention Bureau prior to issuance.

Alderman Lopez asked do we ever tell the applicant that he could lose his fire permit if he changes anything.

Mr. LaFreniere stated well certainly as part of the review process that is the sort of information that we would determine upon a review of any application. If changes are made that would affect the egress or occupancy load or any number of different things what the implications would be. That is part of our review process. In this case, as has already been indicated, the work was initiated prior to a permit being issued so we didn't have the opportunity to tell the applicant what the implications would be before the wall came down because the wall came down at least in part before a permit was even applied for.

Alderman Long asked prior to them getting a permit was there any work done to that that you weren't able to inspect or was everything able to be inspected prior to them pulling a permit. They didn't have any walls up with electrical or what have you?

Mr. LaFreniere answered not to my knowledge. I believe there was actually a prior permit that had been applied for that didn't include removing the wall – a permit to occupy the space so we were operating with the understanding that the work being done was all in order. There was no...I am not aware of anything that was done that we hadn't been able to see other than the fact that the wall removal was initiated before we were notified.

Chairman O'Neil asked for clarification was that with the previous operate.

Mr. LaFreniere answered my understanding is that it was with the current applicant.

Chairman O'Neil asked Mr. O'Keefe to come forward and clear up the ownership issue.

John O'Keefe, Hooksett, stated that property was turned into condos some years ago and the space we are talking about, previously known as The Stage Door, is approximately a 3,000 square foot condo that I own. I own it outright. I think the confusion might be right next door where Mickey D's or Vermeli's was, which is

directly adjacent to that property, that I believe is in a trust by Emile Bussiere. The Athens Building currently is occupied by myself and Palace Realty Trust.

Chairman O'Neil asked so regarding the space of the restaurant you own that as a condo.

Mr. O'Keefe answered that is correct.

Chairman O'Neil called Mr. Tousley forward.

Susan Manchester, Atty., Sheehan, Phinney, Bass & Green stated we present Mr. Tousley. I do have a couple of preliminary remarks first. I do want to emphasize that Mr. Tousley, and he will tell you more, intends that this facility be very different from his other three facilities. He started in this business, his existing business, 16 years ago. I am passing out a plan that has sample menus attached, hours of operation and some other things. Mr. Tousley is from Keene. His first establishment was in Keene. He worked in the restaurant business to put himself through Keene State College. He opened up his first Penuche's Ale House 16 years ago. He has since opened a couple of more – one in Concord and Nashua and had feelers out for Manchester and Portsmouth and one of his sales rep put him onto The Stage Door and he fell in love with it. He does not want it to be like his other facilities. He is excited and he will tell you more. He is more excitable than I am but he hired a person who has been in the restaurant business in Concord at Cheers for a significant period of time. He is very excited. He has been working with the former operator of The Stage Door who has come up with one of those menu plans for him. He found another one that is in the works but he is really excited about bringing a nice quality product to that area. He recognizes that it is not the same area or should have the same clientele as his existing facilities. I will jump ahead. Obviously he has had a few little missteps and I am not trying to say they are insignificant but he has retained council to try to usher him through the process in a more proper procedure. Code is code and while I don't know that we necessarily agree there is an occupancy of 140 we can't avoid complying with the Fire Department's regulations. That is a non-issue. We have to comply. With that, I will let him explain to you what he wants to do.

Todd Tousley stated it wasn't my intention to start off on the wrong foot in any way with the City of Manchester. I do deal with three different cities and obviously having a good working relationship is proper. I was overzealous. I never actually rented a place and had to do a lot of renovations. Initially when I purchased The Stage Door I wasn't going to do anything different and then I decided it would be good if we moved this and did this and started doing renovations and then realized with the advice of my landlord that I needed to get a permit so I stopped on my own and got the permit in the middle of it and then

waited until the permit was released to me. As my attorney said, I follow all of the codes and work with the Fire Department. I have met with Peter Ramsey who is the Executive Director of the Palace Theatre many times. I have been there two full months. I realize and this is kind of how I came to the conclusion but the place I have in Keene is a beer pub with no kitchen. We don't do food. I have done the same thing in all three towns. Here I realized there is a kitchen already in place and there is a huge attorney's office on one side and a bank on the other and the Palace Theatre is there and many times at 5 PM or 6 PM I will be going home and see 12, 13 or 14 year old girls going to the dance club out there. I realized that I had to do something different. This is a nice part of town and perhaps one of the nicest parts. I think I have decided to change the name perhaps because the name is where this all started. If I have a chain that is always the same and I keep the name people are going to expect the same thing. I am thinking I want to do something different so maybe it is wise to change the name and maybe keep The Stage Door name so there is no confusion with the public, police or anyone else that we are trying to attract. I am very excited about the food. I hired a fellow who I have known for about three years. He is 28 years old and has worked in Cheers up in Concord for eight years where he is now Assistant Manager of the kitchen. He has nowhere to go because the manager is not leaving so he is coming down to Manchester to live with his brother and to be my kitchen manager. I have been working with some of the food reps in town and putting together a good menu. I am very excited about it. It gives me the opportunity to fulfill a dream I had a long time ago of owning my own restaurant, which I have never done before but I have worked in the food industry. Just to defend my liquor violation, I haven't had police problems. In a college town when you don't have a full-blown restaurant you are going to have liquor problems I think. We have dealt with them and learned. A lot of them were a long time ago and we have gotten better and we don't have any problems with the police departments. I think that is key. I think just to tell you in synopsis maybe it is wise of me to change the name and be excited about going in a whole new direction now and be sensitive to downtown and cater to the Palace Theatre crowd. I am convinced that this is going to be a good project.

Alderman Forest stated I realize you are saying that the other three establishments are actually pubs but some of the violations that I see in front of me that you had...you know serving alcohol after closing, overcrowding and failing to meet restaurant requirements, you are asking us to come into the City here and open a restaurant and some of your violations have been not serving enough food or food at all. The theatre district where you are is a sensitive area. It won't take much to get everybody out of there. There are stores around the corner and everything else and I get complaints on a daily basis about another establishment on Hanover Street. How do you plan to address this if it happens as far as the beer bottles left outside or whatever?

Mr. Tousley responded the three locations that I have now are a different kind of license. In NH you can have two licenses – beer and wine where you can have a freezer full of burritos and you don't need a full kitchen and if you have a full liquor license you have to have 60/40 food sales and you need to document that with the State Liquor Commission so it forces you to have a real kitchen. So I am going for this license and my establishments in the other three towns have the other license. I am very excited about doing that. I don't know how beer bottles would end up outside.

Alderman Forest stated part of my question about the beer bottles outside is you are asking for 24 outside...

Mr. Tousley interjected in the summer yes it is 24.

Alderman Forest stated as far as beer bottles or whatever I am not sure if you are serving your beer in a bottle or in a mug but if you are serving beer bottles I know it is very difficult to prevent a customer from getting up and walking away with a better bottle but if these beer bottles and the garbage end up let's say in the back alley somewhere how do you plan to address that to keep your neighbors happy.

Mr. Tousley responded if I do have seats out front, which I think is a great site to do that I would witness how the former owner did and he just did it for lunch and dinner. It wasn't like a party in the street. It was a sit down and have your meal there. If that does happen I think first of all you have to be aware of what neighborhood you are in. It is a very nice neighborhood and I am very impressed with it and you need to be diligent in your staffing and checking and cleaning up.

Alderman Lopez asked the tables that you have shown here what happens after...you serve food until 11:30 and you are open until 1 AM. Are the tables stationery or can they be moved?

Mr. Tousley answered they will be movable tables but I wouldn't...I don't think we would move them. Do you mean if we were to move them all away and have people mill about?

Alderman Lopez stated well I am talking about people standing in the middle of the floor and dancing.

Mr. Tousley responded I don't see that happening. If there is...you might see something that says platform for band and someone said we had put that in but that was already there. They had bands there. It might be foreseeable that you push one or two of those tables that are directly in front of that platform if you had

a fun blues band that was danceable or something. That is not my intention though.

Alderman Lopez stated I am looking at this diagram and it indicates that there are 95 seats.

Mr. Tousley responded that is what I see. I am not actively trying to get more but I obviously will comply with the Fire Department.

Alderman Lopez stated that is where I am confused because of the open space and the tables automatically that puts you in the category of over 95 if I understood the Deputy Chief. Do you agree with that?

Mr. Tousley replied yes I think they did their calculations right.

Alderman Lopez stated that is what I was wondering about.

Mr. Tousley stated I didn't know if there was a way to...one time I heard a story in one city where the Building Department wanted 100 seats and the Fire Department only wanted 95 so they got what the Fire Department said. I don't know if you can work with the Fire Department and say I don't even want 140 seats do you still have to have that as your capacity. Do you know what I am saying?

Alderman Lopez responded I know what you are saying but because of the square footage is what the Deputy Chief is saying. It doesn't make a difference how you diagram it. It is because the walls were taken down. You opened up the space so, therefore, you have more than 95 people who can come in when a band is playing, etc. Those 24 people when it is cold or rainy outside are going to come in and I think that is the whole argument. Tell me a little bit about...you said you would change the name. Do you have a following at the other places where you would indicate that you would change the name?

Mr. Tousley replied I think that might be a wise move here. The reason I am sitting here in front of you, I believe, is because the three places that I have that are all the same and a red flag that might have popped up on Deputy Chief Simmon's desk so I am thinking to honor my good name and to tell everyone I am going in a different direction it is hard to go in a different direction when you keep the name exactly the same because now your customers are going to expect what they might have experienced in another town here. I am convinced to go in a whole new direction and maybe keep the name the way it is or coming up with some new name.

Alderman Lopez asked what age group do you cater to.

Mr. Tousley asked in my other businesses.

Alderman Lopez answered in this place here.

Mr. Tousley responded in this place I would cater to people in their 30's and 40's.

Alderman Long stated I am 51 so I guess I wouldn't be going. This menu does this come from another one of your locations?

Mr. Tousley replied no we don't have kitchens at the other locations.

Alderman Long asked so you came up with this.

Mr. Tousley answered this is a starting point. I haven't finalized the menu. I think it is going to be better than that. It is a work in progress.

Alderman Long stated Alderman Lopez alluded to the moving of the tables for dancing or what have you. Do you plan on having dancing here?

Mr. Tousley responded I don't intend on running a dance hall but we might have live entertainment and sometimes if you have a live blues band that is fun people will get up and dance.

Alderman Long asked and would you move tables to accommodate them.

Mr. Tousley replied like I said previously we might move two tables back in front of the platform or something like that.

Alderman Long stated I noticed in your personnel you have the restaurant manager, the bar manager, the kitchen manager, the cook, bartenders, waitresses and dishwashers. Is there any security that you have for the later evenings?

Mr. Tousley responded I am thinking that if you run this and concentrate more on food you are not going to need security.

Alderman Long asked do you have security at your other establishments.

Mr. Tousley answered in Keene since it is more of a college town on busy nights we have someone at the door who checks id's.

Alderman Long asked what about in Concord.

Mr. Tousley answered we do have security on Friday nights.

Alderman Long asked and the hours of operation are going to be 11:AM until 1 AM. Is that seven days a week?

Mr. Tousley answered I would think so but it might be scaled back a little bit if the business is not there. Maybe you would close after lunch on Sunday or close early on Sunday, Monday and Tuesday. I don't know.

Alderman Long stated for myself this is an exciting part of town. It is well used and used by elderly and kids and that is my concern to have an establishment that would put a crush on any of those events. I am not saying you would do that but that is the concern. I understand the name change because I think that would help. I am not the expert and you are obviously the expert with three successful businesses already but those are the concerns.

Mr. Tousley responded if I was in your seat I would be saying the same thing. If I was here in front of you two months ago, I might not be so gung ho about being so different but after meeting Peter Ramsey and being in this neighborhood. I have traveled to this neighborhood now 25 or 30 times and it would behoove me not to go in that direction and cater to the theatre crowd. They just had Cats and they have these people with their families going to Cats. Those are the people I want to come in the door before they go to Cats.

Alderman Long asked on September 29 when you filled out this application were you intending it to be a food establishment.

Mr. Tousley answered yes because there was already a kitchen there and I was excited off the bat but as I have become more familiar with the town of Manchester and hearing about the nightclubs having problems and the police having to spend so much time there I have become very sensitive and realized how nice this neighborhood is and I am sincere in my direction. Also if I might add the former owner of The Stage Door is a cook by trade and he owned it for the last seven years and he is going to stay on for a few months to help me open up and run the food and be able to get going.

Chairman O'Neil stated based on this drawing I have in front of me is it...and I am familiar with the place. I won't say I was in there every week but my wife and I had been in there a number of times, usually tied to the Palace Theatre before or after. Is the wall that came down the wall...as you come through the main entrance there used to be a wall right to the left and they almost had like a separate bar. They called it something else.

Mr. Tousley replied they called it Topsy Mixbaggers.

Chairman O'Neil asked is that the wall that came down, as I am looking at it open now.

Mr. Tousley answered yes. It was an old firewall when that was a separate tenant.

Chairman O'Neil asked and the bar that is shown on here would have been the bar that was in that section.

Mr. Tousley answered yes.

Chairman O'Neil asked so that is the wall that is in question and has opened up this whole issue with the Building and Fire Departments.

Mr. Tousley responded yes and I am kind of surprised that that would bump me up.

Chairman O'Neil stated well as Deputy Chief Albin pointed out, a lot of things have changed since that tragic fire in Rhode Island. They have taken their responsibilities to an all time new level, which we are very pleased about because we don't want a similar tragedy here in this City.

Mr. Tousley replied as I look at it that is for me to work out with the Fire Department and not necessarily you folks.

Chairman O'Neil asked so that is the wall that came down and everything else has pretty much stayed the same. It looks like you maybe added a few booths. Is that what I see in your drawing?

Mr. Tousley responded yes three booths.

Chairman O'Neil stated based on the count I did, it appears you have on the inside about 52 seats at tables, about 28 if I put four people at a booth and about 16 at the bar for a total of 96 if my math is correct. Does that sound about right?

Mr. Tousley replied yes. I was one off but that sounds like it is in the ballpark.

Chairman O'Neil stated one of your items on the menu caught me. As you can tell I probably like to have a meal now and again and the Get Fatter Platter was very interesting. I saw Shepherd's Pie and I just had that for lunch today at another

facility in the City. Your other establishments in Keene, Nashua and Concord do you have full service liquor there?

Mr. Tousley replied no. There is another license called a beer and wine license that has lower standards for food preparation and service and all three of my other establishments have the beer and wine license. This particular one will have what we call a full liquor license, which requires food.

Chairman O'Neil stated and you mentioned the percentage of food versus liquor, etc. I am just trying to figure out...I understand in Keene your targeted group but is it that same age group that is your target in Concord and Nashua?

Mr. Tousley responded Concord and Nashua is more to the late 20's. If you just have a beer pub with no menu really you are not going to get people with Visa cards there sitting down and eating and enjoying the ambiance. This is a whole different thing.

Chairman O'Neil stated I had written down and I am glad you brought it up because based on some of your earlier comments and I am saying to myself if that is the direction he wants to go why isn't he calling it something else then and I was pleased you made that comment.

Mr. Tousley responded well it kind of just dawned on me recently because I was thinking...that was my mistake from the beginning was going in with the same name because it is not going to be the same at all. That was a big mistake and I think that would tell my clientele who knows me out of town that it is different and it would tell you that it is different.

Chairman O'Neil asked do you expect on some nights where you might have a band that you might have a cover charge.

Mr. Tousley answered I don't know. I am not really concentrating on music.

Chairman O'Neil asked have you had any discussions at all...I know you met at least one with the Police but was there any talk about the need for them to monitor whether or not you needed a detail later in the evening.

Mr. Tousley answered I have not had that conversation.

Chairman O'Neil stated many of our establishments...I believe it is at the discretion of the Chief or his designee to do that.

Mr. Tousley responded if we have a big Friday night crowd all the time maybe it is wise to do that.

Chairman O'Neil stated I am hoping that if you are really tapping off of the business from the Palace you shouldn't need a police detail. Regarding this issue of the dance floor, you are just going to roll with it? For the record tonight we are not going to see the tables move to create a super dance floor and try to get all kinds of crowds in here?

Mr. Tousley replied no and I actually...I did another one and didn't even call it a dance floor but a band area. They had it built there for that purpose.

Chairman O'Neil asked am I correct to say that they have had bands there.

Mr. Tousley answered yes. It could be an area for like an acoustic open mic and things like that too.

Chairman O'Neil asked what is the status right now. Where are you today regarding working with the Building Department, the Fire Department...I am sure you are working with Mr. O'Keefe being the owner of the space. Where does that all stand?

Mr. Tousley answered I am very close to being able to open except I have to work out what the Fire Department needs. That is probably my next hurdle.

Chairman O'Neil asked and that would be the sprinkler system.

Mr. Tousley answered yes whatever they require and then if I get the business license that's it.

Chairman O'Neil stated I am not sure that is an easy thing. It isn't like having a plumber come in and run one line. I think it is fairly involved.

Mr. Tousley stated I have everything else that I need.

Chairman O'Neil asked just to clarify the renovations again, you took down this wall and took down the old main bar I guess...

Mr. Tousley interjected yes there was no need for two really and the other wall was a non-bearing wall and an old fire wall to separate the old business because you had two owners on each side. They had a big french door and archway and it made more sense to be able to see everything and have the wait staff move around a little better.

Chairman O'Neil asked the other renovations were maybe a few electrical outlets here and there and some cosmetic improvements. Was there anything else substantial?

Mr. Tousley answered no. Those were the two main things right there. We will have to replace the flooring probably.

Chairman O'Neil stated I have to applaud you that you certainly here this evening mentioned that besides the Palace you have Citizen's Bank with X number of employees near you and a fairly substantial law firm up the street and it is in walking distance for Deputy Simmons and Deputy Albin so maybe they can go in at lunch time.

Mr. Tousley responded I welcome any one of you to come in and see what I am up to.

Alderman Smith asked what was the purpose in taking down the wall because it looks like if you are going to have...it looks to me like if you are going to have a band you are going to have dancing there and it looks like you have ample space to move your tables back to where that bar was.

Mr. Tousley asked to where what bar was.

Alderman Smith answered where the wall that came down was.

Mr. Tousley stated that would be a dance floor 1/3 of the size of this room and I can't imagine that many people dancing with what I have planned.

Alderman Smith stated I think you made the comment Sir that you would not have dancing there. I have been to other establishments in town where they have a live band and there is dancing there and there isn't supposed to be but the patrons do dance.

Mr. Tousley replied the comment I made was if you have a live band there...my purpose is not to have dancing or concentrate on big dances or whatever but if you have a live blues band there and they are fun, you are right, people get up and dance. If there is some sort of special dancing requirement then I will apply for that. That is not my intent but I can't say it won't happen.

Alderman Smith stated personally I think this will have a negative impact on the area. That is my own personal opinion. You do not have adequate parking. We know that Hanover Street is a nightmare. I am really concerned about the security

because at the Palace Theatre there are various school buses that go there at day and at night and there is a concern from the police. I am involved with another organization and we had to put in a sprinkler system and I will tell you it cost us \$57,000. One thing that you are going to have to address right away is with the Fire Department and the sprinkler system. Like I said, I am familiar with your establishment in Keene.

Mr. Tousley answered how is that.

Alderman Smith responded my son went to Keene.

Mr. Tousley asked what did he say.

Alderman Smith answered that it was cold.

Mr. Tousley asked the beer or the air.

Chairman O'Neil stated this is a great opportunity for you here if this thing rolls as you have stated here tonight. It is a street that is pretty special to us. There is a lot of great activity. We certainly try to support our various businesses in town and I just wish you all the luck but we have had some bad experiences in this City too and we are going to support you as best we can but if you cross the line we are going to be on you.

Mr. Tousley responded I wouldn't expect anything different. Like I said in the last two months every week that goes by I get more excited about the opportunity and more sensitive to where it is and what is around it. Many days I just walk around to see what is there and I don't want to cause any friction.

Chairman O'Neil stated I just had one other thought. Does the downstairs still exist as a bar?

Mr. Tousley replied no but I heard stories about it when it was.

Chairman O'Neil stated I remember the days as Poor John's Pub and Saint's Pub. So that doesn't exist and that is not in play here at all?

Mr. Tousley replied correct.

Chairman O'Neil called Deputy Chief Simmons forward. Do you know if we have many of these beer and wine type licenses in the City?

Deputy Chief Simmons stated what he is referring to is it is a limited liquor license for beer and wine versus a full service liquor license, which is what he wants to apply for. In fact, it wasn't that long ago that Club Liquid, I believe, was just beer and wine because they were on a probationary status because of previous violations so they were limited to beer and wine. Although it is only a license for beer and wine there is some need to serve some type of food though not in the same capacity as a full service restaurant. There is no place that has only beer or wine in the state. You have to be listed as a restaurant so there is some indication that food has to change hands.

Chairman O'Neil stated I am pretty sure they serve food over on Second Street at Unwined. Do you know if they have a limited liquor license?

Deputy Chief Simmons responded I am not sure what that is. I think it is beer and wine but I am not positive.

Chairman O'Neil asked and there are no others you can think of other than Club Liquid at one point.

Deputy Chief Simmons answered there are a lot of...Club Liquid and there have been some that have just been beer and wine on occasion but most of them are full service. Don't quote me on that though.

Chairman O'Neil asked Matt to talk about the next steps.

Deputy Clerk Normand stated the motion would be just to refer this to the City Clerk's Office to follow-through with Mr. Tousley as he goes through the process. He still needs to get his permit of assembly in order and any building permits that need to be signed off by the Building Department before we can issue a business license.

Alderman Forest asked does that include the Fire Department and Police Department.

Deputy Clerk Normand answered right.

Alderman Forest moved to refer the business license application to the City Clerk's Office to help him through the process. Alderman Lopez duly seconded the motion.

Alderman Lopez asked when you say refer to the City Clerk's Office, can you explain that again.

Deputy Clerk Normand answered Mr. Tousley is looking for a business license from our office. In order for him to get that business license he has to complete the license application process, which includes sign-offs from Building, Police and Fire. He is not going to get the Fire sign-off until that situation has been rectified with the capacity and whether he needs sprinklers or not. Anything that is left to do for renovations has to be cleared by Commissioner LaFreniere so until all of those sign-offs are obtained, including the Police Department and Health Department, we won't issue a business license. That is pretty much why Mr. Tousley is here right now.

Chairman O'Neil called for a vote. There being none opposed, the motion carried.

There being no further business, on motion of Alderman Forest, duly seconded by Alderman Smith it was voted to adjourn.

A True Record. Attest.

Clerk of Committee